



General Assembly

February Session, 2012

***Raised Bill No. 369***

LCO No. 1778

\*01778\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING AUTHORIZATION FOR THE USE OF FEEDING TUBES AND ANTIEPILEPTIC MEDICATIONS IN SCHOOL SETTINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-101 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 No provision of this chapter shall confer any authority to practice  
4 medicine or surgery nor shall this chapter prohibit any person from  
5 the domestic administration of family remedies or the furnishing of  
6 assistance in the case of an emergency; nor shall it be construed as  
7 prohibiting persons employed in state hospitals and state sanatoriums  
8 and subsidiary workers in general hospitals from assisting in the  
9 nursing care of patients if adequate medical and nursing supervision is  
10 provided; nor shall it be construed to prohibit the administration of  
11 medications by dialysis patient care technicians in accordance with  
12 section 19a-269a; nor shall it be construed as prohibiting students who  
13 are enrolled in schools of nursing approved pursuant to section 20-90,  
14 and students who are enrolled in schools for licensed practical nurses  
15 approved pursuant to section 20-90, from performing such work as is  
16 incidental to their respective courses of study; nor shall it prohibit a

17 registered nurse who holds a master's degree in nursing or in a related  
18 field recognized for certification as either a nurse practitioner, a clinical  
19 nurse specialist, or a nurse anesthetist by one of the certifying bodies  
20 identified in section 20-94a from practicing for a period not to exceed  
21 one hundred twenty days after the date of graduation, provided such  
22 graduate advanced practice registered nurse is working in a hospital  
23 or other organization under the supervision of a licensed physician or  
24 a licensed advanced practice registered nurse, such hospital or other  
25 organization has verified that the graduate advanced practice  
26 registered nurse has applied to sit for the national certification  
27 examination and the graduate advanced practice registered nurse is  
28 not authorized to prescribe or dispense drugs; nor shall it prohibit  
29 graduates of schools of nursing or schools for licensed practical nurses  
30 approved pursuant to section 20-90, from nursing the sick for a period  
31 not to exceed ninety calendar days after the date of graduation,  
32 provided such graduate nurses are working in hospitals or  
33 organizations where adequate supervision is provided, and such  
34 hospital or other organization has verified that the graduate nurse has  
35 successfully completed a nursing program. Upon notification that the  
36 graduate nurse has failed the licensure examination or that the  
37 graduate advanced practice registered nurse has failed the certification  
38 examination, all privileges under this section shall automatically cease.  
39 No provision of this chapter shall prohibit any registered nurse who  
40 has been issued a temporary permit by the department, pursuant to  
41 subsection (b) of section 20-94, from caring for the sick pending the  
42 issuance of a license without examination; nor shall it prohibit any  
43 licensed practical nurse who has been issued a temporary permit by  
44 the department, pursuant to subsection (b) of section 20-97, from  
45 caring for the sick pending the issuance of a license without  
46 examination; nor shall it prohibit any qualified registered nurse or any  
47 qualified licensed practical nurse of another state from caring for a  
48 patient temporarily in this state, provided such nurse has been granted  
49 a temporary permit from said department and provided such nurse  
50 shall not represent or hold himself or herself out as a nurse licensed to

51 practice in this state; nor shall it prohibit registered nurses or licensed  
 52 practical nurses from other states from doing such nursing as is  
 53 incident to their course of study when taking postgraduate courses in  
 54 this state; nor shall it prohibit nursing or care of the sick, with or  
 55 without compensation or personal profit, in connection with the  
 56 practice of the religious tenets of any church by adherents thereof,  
 57 provided such persons shall not otherwise engage in the practice of  
 58 nursing within the meaning of this chapter. This chapter shall not  
 59 prohibit the care of persons in their homes by domestic servants,  
 60 housekeepers, nursemaids, companions, attendants or household aides  
 61 of any type, whether employed regularly or because of an emergency  
 62 of illness, if such persons are not initially employed in a nursing  
 63 capacity. This chapter shall not prohibit unlicensed assistive personnel  
 64 from administering jejunostomy and gastrojejunal tube feedings to  
 65 persons who (1) have Glycogen Storage Disease and a feeding disorder  
 66 and attend public or nonpublic schools, (2) attend day programs or  
 67 respite centers under the jurisdiction of the Department of  
 68 Developmental Services, [(2)] (3) reside in residential facilities under  
 69 the jurisdiction of the Department of Developmental Services, or [(3)]  
 70 (4) receive support under the jurisdiction of the Department of  
 71 Developmental Services, when such feedings are performed by  
 72 trained, unlicensed assistive personnel pursuant to the written order of  
 73 a physician licensed under chapter 370, an advanced practice  
 74 registered nurse licensed to prescribe in accordance with section 20-94a  
 75 or a physician assistant licensed to prescribe in accordance with section  
 76 20-12d. Unlicensed personnel who administer jejunostomy and  
 77 gastrojejunal tube feedings to a person who attends a public or  
 78 nonpublic school as provided for in subdivision (1) of this section,  
 79 shall ensure that (A) full medical disclosure concerning such feeding is  
 80 provided to the supervising nurse of the public or nonpublic school,  
 81 and (B) such supervising nurse is granted permission to consult with  
 82 the physician, advanced practice registered nurse or physician  
 83 assistant who issued the written order authorizing the administration  
 84 of such tube feeding.

85       Sec. 2. Section 10-212a of the general statutes is repealed and the  
86       following is substituted in lieu thereof (*Effective July 1, 2012*):

87       (a) (1) A school nurse or, in the absence of such nurse, any other  
88       nurse licensed pursuant to the provisions of chapter 378, including a  
89       nurse employed by, or providing services under the direction of a local  
90       or regional board of education at, a school-based health clinic, who  
91       shall administer medical preparations only to students enrolled in such  
92       school-based health clinic in the absence of a school nurse, the  
93       principal, any teacher, licensed athletic trainer, licensed physical or  
94       occupational therapist employed by a school district, or coach of  
95       intramural and interscholastic athletics of a school may administer,  
96       subject to the provisions of subdivision (2) of this subsection,  
97       medicinal preparations, including such controlled drugs as the  
98       Commissioner of Consumer Protection may, by regulation, designate,  
99       to any student at such school pursuant to the written order of a  
100      physician licensed to practice medicine, or a dentist licensed to practice  
101      dental medicine in this or another state, or an optometrist licensed to  
102      practice optometry in this state under chapter 380, or an advanced  
103      practice registered nurse licensed to prescribe in accordance with  
104      section 20-94a, or a physician assistant licensed to prescribe in  
105      accordance with section 20-12d, and the written authorization of a  
106      parent or guardian of such child. The administration of medicinal  
107      preparations by a nurse licensed pursuant to the provisions of chapter  
108      378, a principal, teacher, licensed athletic trainer, licensed physical,<sup>2</sup> [or]  
109      occupational therapist or other person employed by a school district,  
110      or coach shall be under the general supervision of a school nurse. No  
111      such school nurse or other nurse, principal, teacher, licensed athletic  
112      trainer, licensed physical,<sup>2</sup> [or] occupational therapist or other person  
113      employed by a school district, coach or school paraprofessional  
114      administering medication pursuant to subsection (d) of this section  
115      shall be liable to such student or a parent or guardian of such student  
116      for civil damages for any personal injuries that result from acts or  
117      omissions of such school nurse or other nurse, principal, teacher,  
118      licensed athletic trainer, licensed physical,<sup>2</sup> [or] occupational therapist

119 or other person employed by a school district, coach or school  
120 paraprofessional administering medication pursuant to subsection (d)  
121 of this section in administering such preparations that may constitute  
122 ordinary negligence. This immunity does not apply to acts or  
123 omissions constituting gross, wilful or wanton negligence.

124 (2) Each local and regional board of education that allows a school  
125 nurse or, in the absence of such nurse, any other nurse licensed  
126 pursuant to the provisions of chapter 378, including a nurse employed  
127 by, or providing services under the direction of a local or regional  
128 board of education at, a school-based health clinic, who shall  
129 administer medical preparations only to students enrolled in such  
130 school-based health clinic in the absence of a school nurse, the  
131 principal, any teacher, licensed athletic trainer, licensed physical, [or]  
132 occupational therapist or other person employed by a school district,  
133 or coach of intramural and interscholastic athletics of a school to  
134 administer medicine or that allows a student to self-administer  
135 medicine, including medicine administered through the use of an  
136 asthmatic inhaler or an automatic prefilled cartridge injector or similar  
137 automatic injectable equipment, shall adopt written policies and  
138 procedures, in accordance with this section and the regulations  
139 adopted pursuant to subsection (c) of this section, that shall be  
140 approved by the school medical advisor or other qualified licensed  
141 physician. Once so approved, such administration of medication shall  
142 be in accordance with such policies and procedures.

143 (3) A director of a school readiness program as defined in section  
144 10-16p or a before or after school program exempt from licensure by  
145 the Department of Public Health pursuant to subdivision (1) of  
146 subsection (b) of section 19a-77, or the director's designee, may  
147 administer medications to a child enrolled in such a program in  
148 accordance with regulations adopted by the State Board of Education  
149 in accordance with the provisions of chapter 54. No individual  
150 administering medications pursuant to this subdivision shall be liable  
151 to such child or a parent or guardian of such child for civil damages for

152 any personal injuries that result from acts or omissions of such  
153 individual in administering such medications which may constitute  
154 ordinary negligence. This immunity shall not apply to acts or  
155 omissions constituting gross, wilful or wanton negligence.

156 (b) Each school wherein any controlled drug is administered under  
157 the provisions of this section shall keep such records thereof as are  
158 required of hospitals under the provisions of subsections (f) and (h) of  
159 section 21a-254 and shall store such drug in such manner as the  
160 Commissioner of Consumer Protection shall, by regulation, require.

161 (c) The State Board of Education, in consultation with the  
162 Commissioner of Public Health, shall adopt regulations, in accordance  
163 with the provisions of chapter 54, determined to be necessary by the  
164 board to carry out the provisions of this section, including, but not  
165 limited to, regulations that (1) specify conditions under which a coach  
166 of intramural and interscholastic athletics may administer medicinal  
167 preparations, including controlled drugs specified in the regulations  
168 adopted by the commissioner, to a child participating in such  
169 intramural and interscholastic athletics, (2) specify conditions and  
170 procedures for the administration of medication, including, but not  
171 limited to, antiepileptic medication, by school personnel to students,  
172 and (3) specify conditions for self-administration of medication by  
173 students, including permitting a child diagnosed with: (A) Asthma to  
174 retain possession of an asthmatic inhaler at all times while attending  
175 school for prompt treatment of the child's asthma and to protect the  
176 child against serious harm or death provided a written authorization  
177 for self-administration of medication signed by the child's parent or  
178 guardian and an authorized prescriber is submitted to the school  
179 nurse; and (B) an allergic condition to retain possession of an  
180 automatic prefilled cartridge injector or similar automatic injectable  
181 equipment at all times while attending school for prompt treatment of  
182 the child's allergic condition and to protect the child against serious  
183 harm or death provided a written authorization for self-administration  
184 of medication signed by the child's parent or guardian and an

185 authorized prescriber is submitted to the school nurse. The regulations  
 186 shall require authorization pursuant to: (i) The written order of a  
 187 physician licensed to practice medicine in this or another state, a  
 188 dentist licensed to practice dental medicine in this or another state, an  
 189 advanced practice registered nurse licensed under chapter 378, a  
 190 physician assistant licensed under chapter 370, a podiatrist licensed  
 191 under chapter 375, or an optometrist licensed under chapter 380; and  
 192 (ii) the written authorization of a parent or guardian of such child.

193 (d) (1) With the written authorization of a student's parent or  
 194 guardian, and (2) pursuant to the written order of the student's (A)  
 195 physician licensed to practice medicine, (B) an optometrist licensed to  
 196 practice optometry under chapter 380, (C) an advanced practice  
 197 registered nurse licensed to prescribe in accordance with section 20-  
 198 94a, or (D) a physician assistant licensed to prescribe in accordance  
 199 with section 20-12d, a school nurse and a school medical advisor may  
 200 jointly approve and provide general supervision to an identified  
 201 school paraprofessional to administer medication, including, but not  
 202 limited to, antiepileptic medication to a specific student for prompt  
 203 treatment of the student's epilepsy and medication administered with  
 204 a cartridge injector [,] to a specific student with a medically diagnosed  
 205 allergic condition that may require prompt treatment in order to  
 206 protect the student against serious harm or death. For purposes of this  
 207 subsection, "cartridge injector" means an automatic prefilled cartridge  
 208 injector or similar automatic injectable equipment used to deliver  
 209 epinephrine in a standard dose for emergency first aid response to  
 210 allergic reactions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	20-101
Sec. 2	July 1, 2012	10-212a

Section 1	July 1, 2012	20-101
Sec. 2	July 1, 2012	10-212a

***Statement of Purpose:***

To authorize unlicensed personnel to administer tube feedings and antiepileptic medications to certain children attending public and nonpublic schools.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*